

**University of California, Berkeley**

**Policy Issued:** June 12, 2017

**Effective Date:** January 1, 2014

**Supersedes:** Tobacco-Free Campus Policy issued  
December 17, 2013

**Next Review Date:** June 12, 2022



## **Tobacco-Free Campus**

Responsible Executive: Vice Chancellor–Student Affairs

Responsible Offices: University Health Services (UHS)

Contact: Cathy Kodama, [tobaccofree@berkeley.edu](mailto:tobaccofree@berkeley.edu), (510) 642-7202

### **Policy Statement**

Consistent with its emphasis on health and environmental protection, the University of California, Berkeley is tobacco-free effective January 1, 2014, meaning the use of tobacco\*, smokeless tobacco, or unregulated nicotine products (i.e. “e-cigarettes”) is strictly prohibited in indoor and outdoor spaces owned or leased by UC Berkeley. In addition, the sale and advertising of tobacco products on UC Berkeley-owned or -leased property is not permitted.

\* Although not specifically addressed by this policy, smoking of marijuana, including medical marijuana, is prohibited by the [Federal Controlled Substances Act](#).

### **Scope of Policy**

This policy affects everyone on campus-owned or -leased property.

**UNIVERSITY OF CALIFORNIA, BERKELEY**  
**Policy on a Tobacco-Free Campus**

## **Why We Have This Policy**

According to the Centers for Disease Control and Prevention, tobacco use is the leading cause of preventable death in the United States, and according to the US Surgeon General, there is no safe level of second-hand smoke. In the United States, tobacco use is responsible for about one in five deaths annually (i.e., about 443,000 deaths per year, with an estimated 49,000 of these smoking-related deaths attributed to secondhand smoke exposure).<sup>1</sup>

In addition to causing direct health hazards, smoking and other tobacco use contribute to University costs associated with absenteeism, health care, medical insurance, fire damage, cleaning, and maintenance costs.

<sup>1</sup> [http://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/fast\\_facts/](http://www.cdc.gov/tobacco/data_statistics/fact_sheets/fast_facts/)

This policy:

- Creates a healthier environment for students, faculty, staff, and visitors;
- Supports tobacco users who are trying to quit; and
- Reduces the number of new tobacco users by promoting the social norm of a tobacco-free environment.

## **Procedures**

### **Summary**

This policy relies on the consideration and cooperation of all individuals on the UC Berkeley campus and on UC Berkeley leased properties. Every member of the campus community has the responsibility to adhere to the tobacco-free policy.

UHS provides smoking cessation services and can also refer interested persons to external resources provided by health plans and/or other service providers.

Vice chancellors, deans, and department heads are responsible for ensuring that students, faculty, staff, and visitors within their area are informed of this policy. Enforcement will be primarily via education and communication. Violators of this policy may be subject to disciplinary action in accordance with appropriate personnel policies or union contracts. Any non-affiliated person who violates this policy may be asked to leave the campus. Additionally, any individual who violates the provisions of this policy may be cited and fined per [California Government Code 7597](#) et. seq.

For property acquired or received by gift or bequest after January 1, 2014, this policy shall apply (i) 30 days following the date of such acquisition or receipt, if the property is then unoccupied; or (ii) if the property is occupied at the time of acquisition or receipt, 30 days following the expiration of such pre-existing occupancy agreement.

**UNIVERSITY OF CALIFORNIA, BERKELEY**  
**Policy on a Tobacco-Free Campus**

The sale and advertising of tobacco products is prohibited on campus-owned or -leased property.

**Noncompliance Protocol**

Repeated violations of this policy by faculty or staff will be handled through regular University disciplinary policies and procedures.

- Violations by faculty and staff should be brought to the attention of the employee's supervisor, who will take appropriate action.
- Violations by students should be brought to the attention of Student Affairs, which will take appropriate educational or disciplinary action (in cases of repeat offenses).
- Violations by visitors should be brought to the attention of the host department, which will take appropriate action.
- Violations by vendors or contractors should be brought to the attention of the department that has hired the vendors or contractors. The department will take appropriate action, which may include educating the vendors or contractors about the campus policy.
- Violation by tenants should be brought to the attention of Property Management, which will take appropriate action.
- Units who contract construction or other work performed on campus grounds should notify and enforce the policy among the contracted workforce (including notice in the contract documents).
- Per [California Government Code 7596](#) et. seq., UCPD may cite and fine public employees or members of the public for using any tobacco product on campus property.

Violations of this policy may also be reported to [tobaccofree@berkeley.edu](mailto:tobaccofree@berkeley.edu). There will be no reprisal against anyone seeking assistance in enforcing this policy.

**Exceptions**

Tobacco use may be permitted under the following circumstances:

- In sponsored research involving tobacco or tobacco products, provided the University employee obtains the prior approval of the Vice Chancellor-Research and the Director of Environment, Health & Safety or their designees. Research funded by a tobacco industry sponsor must be reviewed and approved in accordance with Regental resolution RE-89 and [University of California Regents Policy 2309](#). Tobacco smoke, like any other laboratory air contaminant, must be controlled.
- By artists or actors who participate in University-authorized performances that require smoking as part of the artistic production.
- For University-approved ceremonial purposes in a space designated for the ceremony.
- For educational or clinical purposes with prior approval of either the dean responsible for the facility or the Vice Chancellor-Research.
- For FDA-approved nicotine replacement therapies used by individuals for cessation purposes.

**UNIVERSITY OF CALIFORNIA, BERKELEY**  
**Policy on a Tobacco-Free Campus**

**Responsibilities**

**Everyone at UC Berkeley:**

- Adhere to this policy and its procedures.
- Treat smokers and non-smokers alike with thoughtfulness, consideration, and cooperation.
- Remind violators of this policy in a respectful manner.

**All Campus Units:**

- Enforce compliance through education and communication, as well as departmental personnel actions or code of conduct actions as appropriate.

**Supervisors and Senior Managers:**

- Communicate this policy to their employees and volunteers
- Event organizers are to communicate this policy to event attendees.

**UHS:**

- Administer and update this policy as appropriate.
- Coordinate educational enforcement (providing informational material) and marketing/outreach.
- Provide and promote smoking cessation services to students, faculty, and staff.

**UCPD:**

- Enforce this policy per [California Government Code 7596](#) et. seq. when educational avenues have been exhausted.

**Environment, Health & Safety:**

- Store and deliver A-frame signage for special events.

**Web Site Address for This Policy**

<http://campuspol.berkeley.edu/policies/tobaccofree.pdf>

**Glossary**

**Campus Community:** Faculty, staff, students, volunteers, contractors, tenants, and visitors on campus-controlled properties.

**Tobacco Product:** All forms of tobacco, including but not limited to cigarettes, cigars, shisha, pipes, herbal cigarettes, water pipes (hookahs), electronic cigarettes (vaporizers), electronic hookahs, and all forms of smokeless tobacco including but not limited to:

- Chew: tobacco placed between the cheek and gum or upper lip teeth.

**UNIVERSITY OF CALIFORNIA, BERKELEY**  
**Policy on a Tobacco-Free Campus**

- Orbs: Nicotine-infused orbs consumed like breath mints.
- Snuff: Fine-ground tobacco inhaled through the nose.
- Snus: Ground tobacco in a tea bag-like sack kept between the cheek and teeth.
- Sticks: Nicotine-infused sticks chewed like a tooth-pick.
- Strips: Nicotine-infused strips that dissolve on the tongue.

**Tobacco-Related:** The use of tobacco brand or corporate name, trademark, logo, symbol, motto, or selling message that is identifiable with those used for any brand of tobacco products or company which manufactures tobacco or other unregulated nicotine products.

**Tobacco Use:** Smoking, chewing, dipping, or any other use of tobacco.

**UC (or Campus) Controlled Properties:** University-owned properties, including those leased to others, and properties leased to the University.

## **Related Documents**

California Government Code 7596 et. seq.:

[http://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=GOV&division=7.&title=1.&part=&chapter=32.&article=](http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=7.&title=1.&part=&chapter=32.&article=)

President Yudof's Letter of January 9, 2012 to the UC Chancellors:

<http://www.tobaccofree.berkeley.edu/sites/default/files/chancellors-smokefree-policy010912.pdf>

UC Berkeley Tobacco-Free Web Page:

[tobaccofree.berkeley.edu](http://tobaccofree.berkeley.edu)

## **Revision History**

**June 12, 2017:** the Responsible Executive and Contact information on the first page was changed to reflect organizational restructuring. Outdated links were either updated or deleted. The responsibilities previously assigned to Environment, Health & Safety were assigned to University Health Services, and Environment, Health & Safety was given responsibility for storage and delivery of A-frame signage for special events.